

# Notice of Allowability

Application No.

10/538,148

Examiner

Dana Ross

Applicant(s)

YOSHIDA ET AL.

Art Unit

3722

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/02/07.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

*Allowable Subject Matter*

1. Claims 1-13 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art neither anticipates nor renders obvious a method for machining a workpiece by moving a working tool and the workpiece relative to each other as claimed in independent claims 1 and 4, or a machine tool for machining a workpiece by moving a working tool and the workpiece relative to each other as claimed in claims 10 and 12; specifically wherein the combination of limitations includes correcting a tool edge position of the working tool up one the restart of the machining operation for the workpiece to coincide with the tool edge position of the working tool upon the interruption of the machining operation for the workpiece, based on the detected wear amount of the working tool, and restarting the machining operation for the workpiece from the set tool edge position of the working tool (claims 1 and 4); or wherein the combination of limitations includes a tool edge position control means for correcting a tool edge position of the working tool upon the restart of the machining operation for the workpiece to coincide with the tool edge position of the working tool upon the interruption of the machining operation for the workpiece, based on the wear amount of the working tool detected by said tool wear amount detection means (claims 10 and 12).

Applicant's arguments were persuasive, and the amendment to the claims overcomes the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


***Conclusion***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dana Ross/  
Primary Examiner  
Art Unit 3722

<b>Issue Classification</b> 	<b>Application/Control No.</b> 10/538,148	<b>Applicant(s)/Patent under Reexamination</b> YOSHIDA ET AL.
	<b>Examiner</b> Dana Ross	<b>Art Unit</b> 3722

ISSUE CLASSIFICATION												
ORIGINAL					INTERNATIONAL CLASSIFICATION							
CLASS		SUBCLASS			CLAIMED				NON-CLAIMED			
409		131			B	23	Q	15	/28			/
CROSS REFERENCES					G	05	B	19	/404			/
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)											
409	84				B	23	Q	15	/16		/	
700	175				B	23	Q	17	/22		/	
					B	23	Q	17	/09		/	
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(Assistant Examiner) (Date)		/Dana Ross/ 7 August 2007		Total Claims Allowed: 13	
(Legal Instruments Examiner) (Date)				O.G. Print Claim(s) 1	
		(Primary Examiner) (Date)		O.G. Print Fig. 1	

<input checked="" type="checkbox"/> Claims renumbered in the same order as presented by applicant					<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47		
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
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	2		32		62		92		122		152
	3		33		63		93		123		153
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	5		35		65		95		125		155
	6		36		66		96		126		156
	7		37		67		97		127		157
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